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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,658	01/23/2004	Dennis Michael Kazar	0901-0017	9379
33787	7590	04/18/2006	EXAMINER	
JOHN J. OSKOREP, ESQ. ONE MAGNIFICENT MILE CENTER 980 N. MICHIGAN AVE. SUITE 1400 CHICAGO, IL 60611			LEE, WILSON	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,658

Applicant(s)

KAZAR ET AL.

Examiner

Wilson Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 20-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10 and 13-18 is/are rejected.
- 7) ☒ Claim(s) 4, 11, 12 and 19 is/are objected to.
- 8) ☒ Claim(s) 20-25 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments filed on 3/30/06 have been fully considered but they are not persuasive.

Applicant argues that Blalock fails to disclose switch driver outputs provided at each color-control terminal of each RGB LED.

Examiner respectfully disagrees.

Blalock clearly discloses switch driver circuits (e.g. 118a, 119a, 121a) comprising switch driver outputs provided at each color-control terminal of each RGB LED (111a, 112a, 114a).

Claim Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 6, 7, 13, 14, 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Blalock et al. (6,344,641).

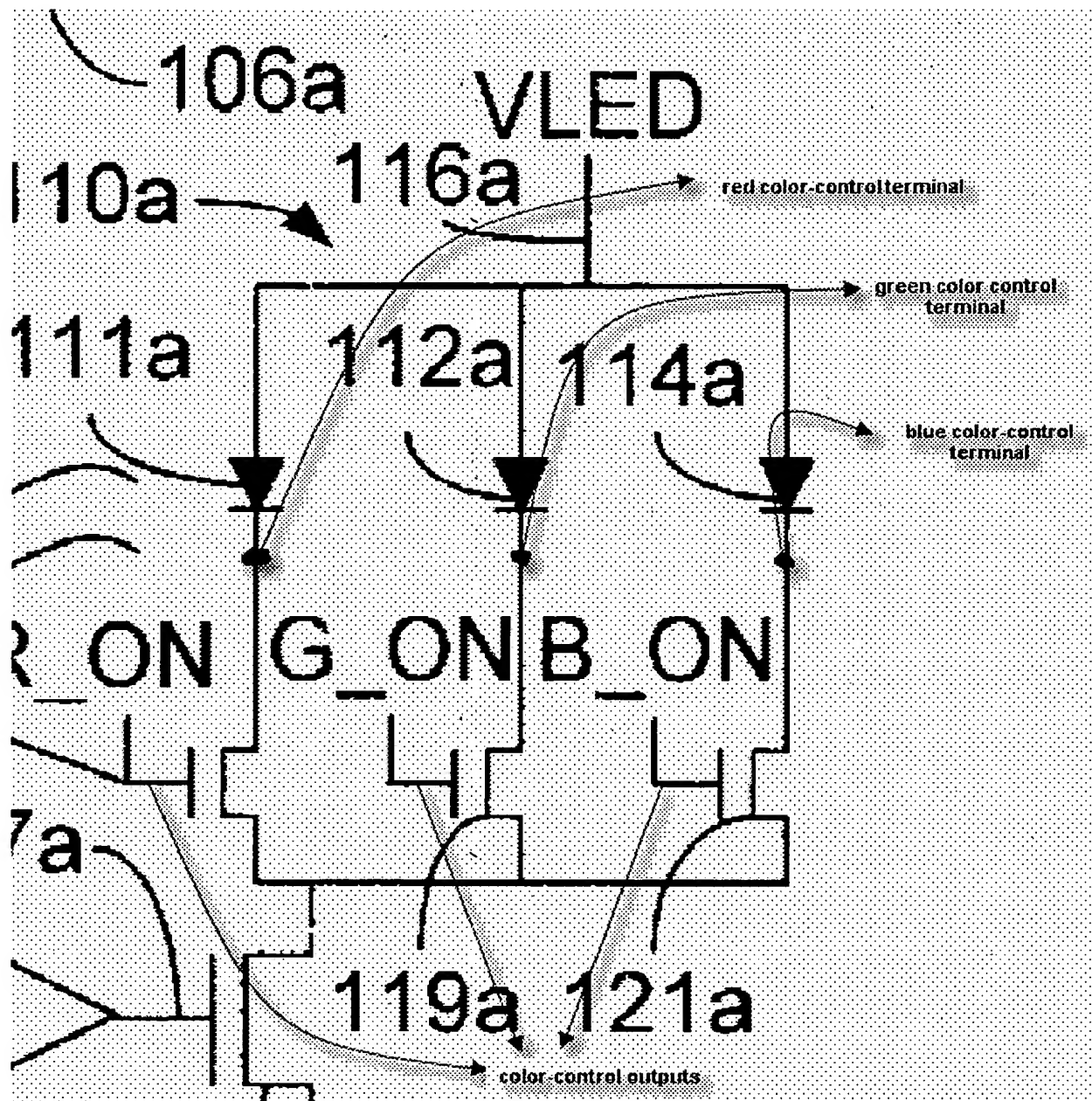
Regarding Claim 1, Blalock discloses a decorative lighting apparatus comprising

- control circuitry which includes a plurality of switch driver circuits including a first switch driver circuit (118a), a second switch driver circuit (119a), and a third switch driver circuit (121a);
- a plurality of color-control outputs (labeled) from the first, second, and third switch driver circuits for coupling to color-control terminals (gates of 118a,

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119a, 121a) of each one of a plurality of color-controllable lights (111a, 112a, 114a and 111b, 112b, 114b);

- the color-control driver outputs including a red color-control driver output (that coupled to 111a) from the first switch driver circuit for coupling to each red color-control terminal of the color-controllable lights;
- the color-control driver outputs including a green color-control driver output (that coupled to 112a) for coupling to each green color-control terminal of the color-controllable lights;
- the color-control driver outputs including a blue color-control driver output (that coupled to 114a) or coupling to each blue color-control terminal of the color-controllable lights;



- one or more set selection outputs (87a, 87b) from the control circuitry for selectively and individually enabling (LED1_On and LED2_On) at least a first set of one or more of the color-controllable lights and a second set (111b, 112b, 114b) of one or more of the color-controllable lights; and

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- the control circuitry being operative to illuminate the color-controllable lights with a color scheme by repeatedly time-multiplexing color-control signals (See Col. 8, lines 49-55, Col. 10, lines 1-9 and Col. 11, lines 9-19) at the red, the green and the blue color-control driver outputs (See Col. 9, lines 47-50) to the first and second sets of color-controllable lights with use of the one or more set selection outputs.

Regarding Claim 2, Blalock discloses that each color-controllable light comprises a Red-Green-Blue (RGB) LED (See Col. 9, lines 48-50).

Regarding Claim 5, Blalock discloses that control circuitry being further operative to repeatedly time-multiplex the color control signals (See Col. 8, lines 49-55, Col. 10, lines 1-9 and Col. 11, lines 9-19) at the color-control outputs at a rate inherently sufficient such that the different sets of color-controllable lights appear to be simultaneously illuminated in order to render constant illumination.

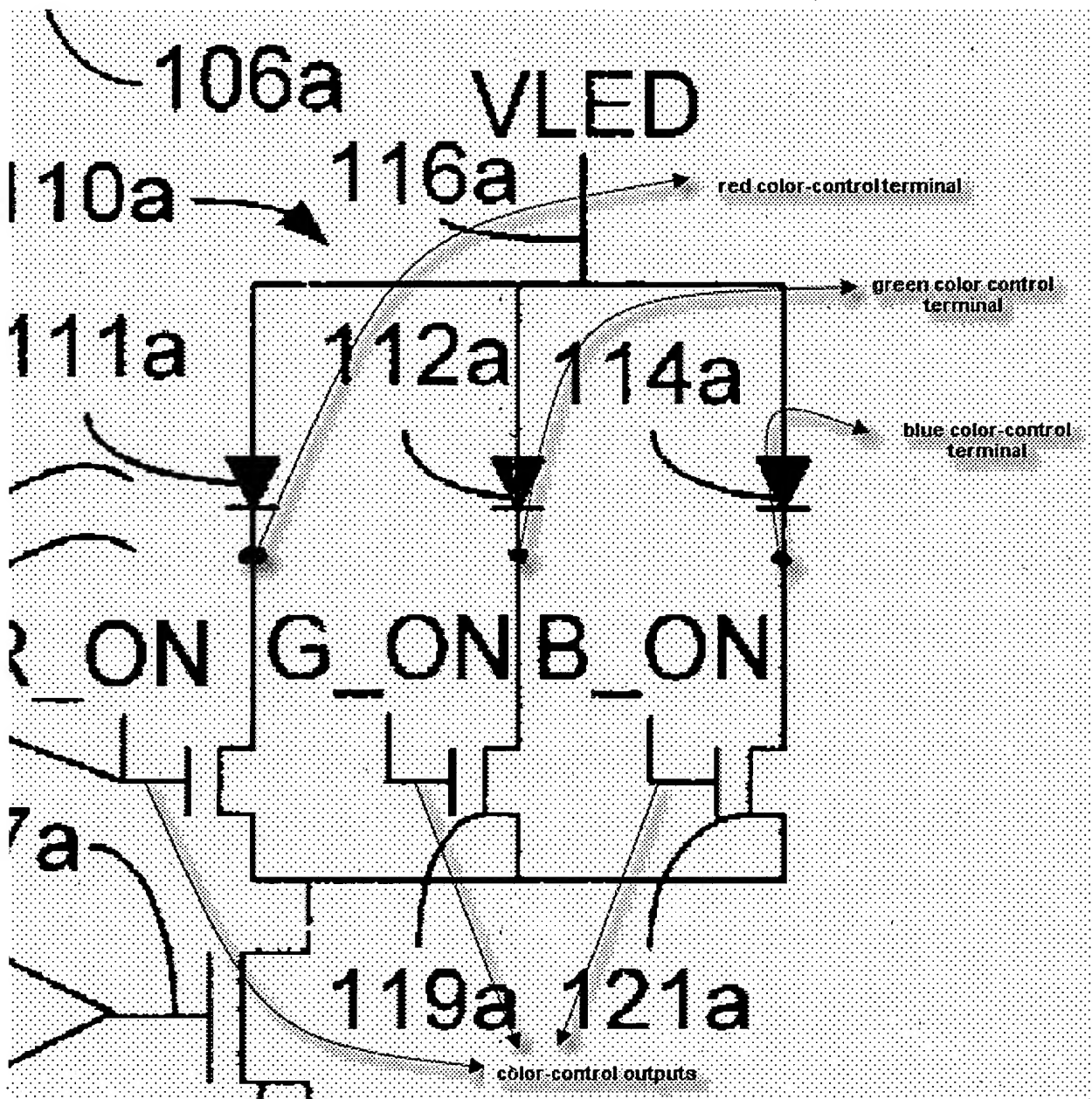
Regarding Claim 6, Blalock discloses that scheme provides that at least first color (white) and a second color (non-white) (See Col. 3, line 62 to Col. 4, line 9) and wherein the first set (111a, 112a, 114a) is controlled to be illuminated with the first color (red) and the second set (111b, 112b, 114b) is controlled to be illuminated with the second color.

Regarding Claim 7, Blalock discloses that the control circuitry being further operative to illuminate a color of the color scheme in the color-controllable lights with current control at the color-control driver outputs (See Col. 11, lines 40-43).

Regarding Claim 13, Blalock discloses a method of illuminating a decorative lighting apparatus with one or more color schemes, comprising:

- selecting a first set of color-controllable lights (111a, 112a, 114a) of the decorative lighting apparatus;
- controlling a plurality of red, green, and blue color-control driver outputs (gates of 118a, 119a, 121a) which are coupled to red, green and blue color control terminals, respectively, of the first set of color-controllable lights to illuminate a first color (white) in the first set of color-controllable lights, the red color-control driver output being from a first switch driver circuit (118a), the green color-control driver output being from a second switch driver circuit (119a), and the blue color-control driver output being from a third switch driver circuit (121a);
- selecting a second set of color-controllable lights (111b, 112b, 114b) of the decorative lighting apparatus;
- controlling the plurality of red, green, and blue color-control outputs (gates of 118b, 119b, 121b) which are coupled to red, green, and blue color control terminals, respectively, of the second set of color controllable lights to illuminate a second color (non-white) in the second set of color-controllable lights; and
- repeating the selecting and the controlling in a time-multiplexed fashion (See Col. 8, lines 49-55, Col. 10, lines 1-9 and Col. 11, lines 9-19), to produce a

color scheme which includes the first color and the second color (See Col. 3, line 62 to Col. 4, line 9).



Regarding Claim 14, Blalock discloses that each color-controllable light comprises a Red-Green-Blue (RGB) LED (See Col. 9, lines 48-50).

Regarding Claim 16, Blalock discloses that the first color (white) is different from the second color (non-white).

Regarding Claim 17, Blalock discloses that the first color (white) is the same as the second color (white) (they can be tuned the same color).

Regarding Claim 18, Blalock discloses that the act of repeating is performed at rate inherently sufficient such that the first and second sets of color-controllable lights appear to be simultaneously illuminated in order to provide constant illumination.

Claim Rejections – 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 8, 9, 10, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blalock et al. (6,344,641).

Regarding Claim 3, Blalock discloses the one or more set selection outputs (through 101a, 101b) from the control circuitry for selectively and individually enabling at least the first set, the second set (first set: 111a, 112a, 114a and second set: 111b, 112b, 114b) of the color-controllable lights; and the control circuitry being operative to illuminate the color-controllable lights with the color scheme by repeatedly time-multiplexing color-control signals (See Col. 8, lines 49-55, Col. 10, lines 1-9 and Col. 11, lines 9-19) at the red, the green, and the blue color-control outputs (See Col. 9, lines 47-

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50) to the first, the second of color-controllable lights with use of the one or more set selection outputs.

As discussed above, Blalock essentially discloses the claimed invention but does not explicitly disclose the third set of lights. However, it would have been obvious to one of ordinary skill in the art to provide an additional light set in order to cover larger illumination area. Besides, it is held that merely providing duplication of parts having no patentable significance unless a new and unexpected result being produced involves routine skill in the art. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Regarding Claims 8 and 9, Blalock as discussed essentially discloses the claimed invention but does not disclose a light strand for carrying the lights. However, it would have been obvious to one of ordinary skill in the art to provide a strand for carrying the lights in Blalock in order to provide linear shape illumination. Further, merely positioning the lights without producing any unexpected result does not make any novelty. *In re Japikse*, 181 F. 2d 1019, 86 USPQ 70 (CCPA 1950).

Regarding Claim 10, Blalock as discussed above, essentially discloses the claimed invention but does not explicitly a housing and an interface connector. However, it would have been obvious to obvious to one of ordinary skill in the art to provide housing in Blalock to enclose the circuitry in order to prevent the circuitry from physical damage and moisture, and an interface connector between the housing and outputs in order to connect the wires to circuit.

Regarding Claim 15, as discussed above, Blalock essentially discloses the claimed invention but does not explicitly disclose the third set of lights. However, it

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would have been obvious to one of ordinary skill in the art to provide an additional light set in order to cover larger illumination area. Besides, it is held that merely providing duplication of parts having no patentable significance unless a new and unexpected result being produced involves routine skill in the art. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Allowable subject matter

Claims 4, 11, 12 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

This application contains claims 20-25 are drawn to an invention nonelected with traverse dated 10/17/05. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824. Papers related to Technology Center 2800 applications may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wilson Lee
Primary Examiner
U.S. Patent & Trademark Office

4/16/06